

IDAHO BOARD OF COSMETOLOGY  
Meeting of the Board  
June 4, 2001

Meeting called to order at 8:30 a.m.

Roll call: Christy Stutzke, Chair; Patrick Ulsh, Vice-Chair; Carol Martin, Secretary, Geneal Thompson, Eric Negaard. Bureau staff present: Tomas E. Limbaugh, Bureau Chief; Budd Hetrick, Deputy Bureau Chief; John Kersey, Chief Investigator and Helen Piippo, Cosmetology Board Secretary.

Mr Eric Negaard was introduced as the new school representative member to the board. He was appointed to complete the term of Kimber Hicks, who resigned.

Others present: Maria Shearer, Ms. Wicks, Shannalee Miler, E.B. Scholes, Jr., Louise Blanford, Billi Pino, Peggy Foster, Nancy Roland, Lori Sellers, Sonya George, Carrie Parot, Wendy Hersel, Betty Forell.

Motion by Mr. Ulsh to accept the minutes of the February 2001 board meeting, the February 15, and April 9, 2001 conference call meetings, and the April 23, 2001 board meeting. Seconded by Ms. Martin. Motion carried.

SCHOOL OWNERS

Mr. Scholes stated that there were no concerns of the school owners at this time.

NEW BUSINESS

Ms. Stutzke reviewed the training session for NIC raters held in March, 2001. There were 6-7 alternate examiners trained, including estheticians. There are new scoring books and students are given a two minute set-up time. Ms Martin noted that the perming section needs to be completed within the twenty-minute period. Mr. Ulsh stated that applicants are not completing the hair coloring, tinting and bleaching within the twenty-minute time. Discussion was also held regarding hair cutting not being completed. Training diagrams are not being used since the rater training was held.

The Board reviewed and submitted the 2003 budget request form.

Mr. Limbaugh gave a review on legislation. On July 1, 2001 the temporary rules will be in force as adopted by the Board. The engrossed bill with amendments that will become law July 1, 2001 was reviewed with board. Discussion was held on the higher education requirement that was not approved by the legislature. The student loan default language was removed from the law by the legislature. Mr. Scholes stated that he is working on getting support for financial aid for all licensees.

Discussion was held on European endorsement as to implementing policy and procedure criteria. Tabled until further research can be done.

Discussion was held on policy and procedures as to time frame for allowing lasergrade testing . Tabled until further research done.

Mr. Limbaugh reviewed the Cosmetology financial report with the Board. The cash balance as of June 1, 2001 is \$191,278.23. The remaining budget balance for 2001 is \$45,457.89. Discussion was held on additional travel expenses for new board members and examiners.

Mr. Limbaugh stated that the contract with the Owyhee Plaza will expire July 1, 2002 as to our present location. The Governor's office has stated that there will be no additional money allocated for office space.

Mr. Kersey introduced investigator, Penny Ragland. Mr. Kersey gave Investigative Report:

1. To date, ten (10) complaints have been received. Of those, seven (7) are under investigation or under legal review.
2. Thirty-nine (39) complaints were received for the year 2000. Of those, eight (8) remain under investigation or under legal review.

The following complaints have been closed since last meeting:

1. COS-P4-03-00-027 – Alleged unsanitary conditions.
2. COS-L1A-03-01-001 – Alleged unlicensed establishment within a laundromat
3. COS-B1B-02B-01-002 – Alleged unlicensed practice.

The inspection of the salons and schools appears to be running smoothly, one area remains a little behind on inspections, however, it is anticipated that this will be completed in the near future.

The complaint procedure was reviewed by Mr. Kersey to the board:

1. Mr. Kersey receives the complaint
2. Complaint is screened with Ms. Wallace, Deputy Attorney General
3. Investigators review
4. Mr. Kersey and Ms. Wallace meet to review report.

Ms. Stutzke asked for an update on Laser Hair removal as to estheticians and cosmetologists. Mr. Kersey informed Board that the practice of using laser for hair removal by anyone not licensed by the Board of Medicine violates their law and constitutes a felony. Discussion was held on getting written statement from Board of Medicine to send out to all licensees. Memo from Idaho State Board of Medicine regarding laser use was reviewed with Board. The Medical Practice Act, Idaho Code § 54-1804 0 creates an exemption from medical licensure only with regard to the use of Class I and Class II, nonprescriptive, approved, medical devices. The Center for Devices and Radiological Health of the Food and Drug Administration has classified intense pulsed light and some laser devices as Class II prescriptive devices and other laser devices as Class III devices. Class II intense pulsed light/laser devices or Class III laser devices per FDA requirements are sold to physicians only and are considered prescriptive devices. Mr. Kersey informed Board that any complaints would be referred to the Board of Medicine.

Ms. Stutzke informed Board that there are appointments that will be up 10-31-01. These include Ireta Mickelsen, Carolyn Shelley, Eric Negaard and Christy Stutzke. Mr. Negaard and Ms. Stutzke will be seeking reappointment.

Ms. Stutzke informed Board that there will be rewording to the Candidate Information Brochures. At the later training it is was advised that there be no identifiable items showing name of student or school at the exam. This can be covered up with masking tape. Instructors will provide three lesson plans for exam.

Mr. Kersey informed Board that seating for the written exam has been changed to eliminate any potential cheating.

Mr. Hetrick gave report on Lasergrade. There was discussion that original letter needs to be taken to Lasergrade prior to being eligible for exam. Ms. Stutzke read section from 2-5-01 minutes regarding Lasergrade testing.

Ms. Martin made motion that we start using lasergrade at the Bureau of Occupational License office and to continue on with lasergrade testing in other areas. Seconded by Mr. Ulsh. Motion carried. Mr. Hetrick informed Board that candidates will continue to call lasergrade to set up appointments.

Motion by Ms. Martin to go into executive session to review pending litigation matters. Seconded by Ms. Thompson. Motion carried.

Motion by Mr. Ulsh to come out of executive session. Seconded by Mr. Negaard. Motion carried.

Mr. Kersey informed the Board of the recommended action for disciplinary file COS-B4B-02A-01-006 as to violation of Rule 800.11, safety. Recommendation is that the Board authorize Ms. Wallace to issue a letter requiring to cease and desist the violation of Rule 800.11 and that if this continues the Board will issue a fine

Motion by Mr. Ulsh to accept recommendation by Ms. Wallace for COS-B4B-02A-01-006. Seconded by Ms. Martin. Motion carried.

Ms. Stutzke informed Board that the Idaho Jurisprudence exam be reviewed as to changes after July 1, 2001. It was suggested to have schools submit bank of questions for law questions.

### CORRESPONDENCE

Correspondence was reviewed and no action taken.

Discussion on NIC Legislative State Committee report. Mr. Limbaugh will have this taken care of.

Discussion on NIC report for annual conference as to By-Laws. Mr. Ulsh informed Board that the Policy and Procedure Committee is splitting the by-laws and reduce the board from 14 to 9 persons. Board will consist of President, Immediate Past Vice-President and Vice-President. Corresponding Secretary, Recording Secretary and Treasurer will be combined. Combine the regions into four rather than five. The proceeding will be voted upon at the National Conference in October.

Discussion on how states will be divided among the four regions. The regions are set out in the NIC Bulletin. Region 4 would become Region 3 which would consist of Alaska, Oregon, Washington, California, Nevada, Utah, New Mexico, Arizona, Guam, Hawaii, Idaho, Montana, Wyoming and Colorado.

Board reviewed letter regarding Hair Only applicant from Oregon. Discussion held. Tabled until can be researched.

Curriculum and letter from Headmasters Coeur d'Alene reviewed.

Discussion on NIC National meeting to be held in October. Mr. Ulsh made motion that five board members plus Mr. Limbaugh be able attend NIC conference. Seconded by Ms. Martin. Motion carried.

Discussion on the Region IV meeting held May 2001. Mr. Ulsh informed Board that Michael Heinz reported on Diversion. Peggy Moon and Sue Sansom were in China working on global endorsements.

Meeting adjourned at 11:00 a.m.

Meeting reconvened at 12:30 p.m.

Discussion held on European endorsements and to get Mr. Ericson's opinion.

Review as to hairstylist license only. Discussion on 54-812 (2) as to endorsement of 3 out of 5 years experience. The Board has the option to issue the license for hair only after review of the application. Directive was made to send application for Cosmetology and Barber to individual with hair only license from Oregon.

Discussion on contiguous licenses – Mr. Limbaugh informed Board that the Governor’s office did acknowledge the request to eliminate contiguous licenses with a denial at this time. Mr. Ulsh made motion to instruct Mr. Limbaugh to continue speaking with the other agencies to see how contiguous licenses can be done away with. Seconded by Mr. Negaard. Motion carried.

Discussion held on Demo permit - Motion made by Mr. Ulsh to pass temporary rule exempting current licensees under the Board of Cosmetology from paying the \$10.00 demonstration or teaching permit Seconded by Ms. Martin. Motion carried.

Motion by Mr. Negaard that the Cosmetology Board meeting will be the first Monday and Tuesday of October. Seconded by Ms. Thompson. Motion carried.

Discussion on Rule 700. Motion by Ms. Thompson that Rule 700 (03) read that there be at least one (1) licensed cosmetology or esthetic instructor and on Rule 700 (04) that there be at least one (1) licensed cosmetology or nail instructor and be incorporated into the rest of the wording to be implemented as a temporary rule. Seconded by Ms. Martin. Motion carried.

Motion by Mr. Ulsh to adjourn meeting. Seconded by Ms. Martin. Motion carried.

There being no further business the meeting was adjourned at 3:10 p.m.

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Christy Stutzke, Chair

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Patrick Ulsh, Vice-Chair

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Carol Martin, Secretary

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Geneal Thompson

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Eric K. Negaard

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Thomas E. Limbaugh, Bureau Chief